

## Preface

Country Reports on Human Rights Practices - [2005](#)  
Released by the Bureau of Democracy, Human Rights, and Labor  
March 8, 2006

All men and women desire and deserve to live in dignity and liberty. As President Bush said: "The advance of freedom is the great story of our time." Promoting human rights and democracy is a worldwide phenomenon and there is a growing global discussion of democracy and the universal values protected by democratic governance.

The increasing demand for democratic governance reflects recognition that the best guarantor of human rights is a thriving democracy with representative, accountable institutions of government, equal rights under the rule of law, a robust civil society, political pluralism, and independent media.

The United States and other free nations have a duty to defend human rights and help spread democracy's blessings. We must help countries develop the democratic institutions that will ensure human rights are respected over the long term. We must help fragile democracies deliver a better life for their citizens. We must call countries to account when they retreat from their international human rights commitments. And we must always stand in solidarity with the courageous men and women across the globe who live in fear yet dream of freedom.

By defending and advancing human rights and democratic principles, we keep faith with our country's most cherished values and lay the foundation for lasting peace. Fulfilling the promise of the United Nations Universal Declaration of Human Rights and building vibrant democracies worldwide will take generations, but it is work of the utmost urgency that cannot be delayed.

With these thoughts in mind, I am pleased to transmit the Department of State's *Country Reports on Human Rights Practices for 2005* to the United States Congress.

Condoleezza Rice  
Secretary of State

## Introduction

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These reports describe the performance of 196 countries in putting into practice their international commitments on human rights. These basic rights, reflected in the UN Universal Declaration of Human Rights, have been embraced by people of every culture and color, every background and belief, and constitute what President Bush calls the "non-negotiable demands of human dignity."

The Department of State published the first annual country reports on human rights practices in 1977 in accordance with congressional mandate, and they have become an essential element of the United States' effort to promote respect for human rights worldwide. For nearly three decades, the reports have served as a reference document and a foundation for cooperative action among governments, organizations, and individuals seeking to end abuses and strengthen the capacity of countries to protect the fundamental rights of all.

The worldwide championing of human rights is not an attempt to impose alien values on citizens of other countries or to interfere in their internal affairs. The Universal Declaration calls upon "every individual and every organ of society ... to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance..."

President Bush has committed the United States to working with other democracies and men and women of goodwill across the globe to reach an historic long-term goal: "the end of tyranny in our world."

To be sure, violations of human rights and miscarriages of justice can and do occur in democratic countries. No governmental system is without flaws. Human rights conditions in democracies across the globe vary widely, and these country reports reflect that fact. In particular, democratic systems with shallow roots and scarce resources can fall far short of meeting their solemn commitments to citizens, including human rights commitments. Democratic transitions can be tumultuous and wrenching. Rampant corruption can retard democratic development, distort judicial processes, and destroy public trust. Nonetheless, taken overall, countries with democratic systems provide far greater protections against violations of human rights than do nondemocratic states.

The United States' own journey toward liberty and justice for all has been long and difficult, and it is still far from complete. Yet over time our independent branches of government, our free media, our openness to the world, and, most importantly, the civic courage of impatient American patriots help us keep faith with our founding ideals and our international human rights obligations.

These country reports offer a factual basis by which to assess the progress made on human rights and the challenges that remain. The reports review each country's performance in 2005, not one country's performance against that of another. While each country report speaks for itself, cross-cutting observations can be made. Six broad observations, supported by country-specific examples, are highlighted below. The examples are illustrative, not exhaustive.

**First, countries in which power is concentrated in the hands of unaccountable rulers tend to be the world's most systematic human rights violators.** These states range from closed, totalitarian systems that subject their citizens to a wholesale deprivation of their basic rights to authoritarian systems in which the exercise of basic rights is severely restricted.

In 2005 the Democratic People's Republic of Korea (DPRK or North Korea) remained one of the world's most isolated countries. The systematically repressive regime continued to control almost all aspects of citizens' lives, denying freedoms of speech, religion, the press, assembly, association, and movement, as well as workers' rights. In December 2005, the regime further receded into isolation by calling for significant drawdowns of the international nongovernmental organization (NGO) presence in the country.

In Burma where a junta rules by diktat, promises of democratic reform and respect for human rights continued to serve as a façade for brutality and repression. Forced labor, trafficking in persons, use of child soldiers, and religious discrimination remained serious concerns. The military's continuing abuses included systematic use of rape, torture, execution, and forced relocation of citizens belonging to ethnic minorities. The regime maintained iron-fisted control through the surveillance, harassment, and imprisonment of political activists, including Nobel Laureate and opposition leader Aung San Suu Kyi, who remained under house arrest without charge.

In 2005 the Iranian government's already poor record on human rights and democracy worsened. In the June presidential elections, slightly more than a thousand registered candidates – including all the female candidates – were arbitrarily thrown out of contention by the country's guardian council. The newly elected hard-line president denied the Holocaust occurred and called for the elimination of Israel. The ruling clerics and the president oversaw deterioration in prison conditions for the hundreds of political prisoners, further restrictions on press freedom, and a continuing rollback of social and political freedoms. Serious abuses such as summary executions, severe violations of religious freedom, discrimination based on ethnicity and religion, disappearances, extremist vigilantism, and use of torture and other degrading treatment continued.

In Zimbabwe the government maintained a steady assault on human dignity and basic freedoms, tightening its hold on civil society and human rights NGOs and manipulating the March parliamentary elections. Opposition members were subjected to abuse, including torture and rape. New constitutional amendments allowed the government to restrict exit from the country, transferred title to the government of all land reassigned in the land acquisition program, and removed the right to challenge land acquisitions in court. The government's Operation Restore Order, initiated to demolish allegedly illegal housing and businesses, displaced or destroyed the livelihoods of more than 700 thousand persons and further strained the country's weak and depressed economy.

In Cuba the regime continued to control all aspects of life through the communist party and state-controlled mass organizations. The regime suppressed calls for democratic reform, such as the Varela Project, which proposed a national referendum. Authorities arrested, detained, fined, and threatened Varela activists and the government held at least 333 political prisoners and detainees.

China's human rights record remained poor, and the government continued to commit serious abuses. Those who publicly advocated against Chinese government policies or views or protested against government authority faced harassment, detention, and imprisonment by government and security authorities. Disturbances of public order and protests calling for redress of grievances increased significantly, and several incidents were violently suppressed. Key measures to increase the authority of the judiciary and reduce the arbitrary power of police and security forces stalled. Restrictions of the media and the Internet continued. Repression of minority groups continued unabated, particularly of Uighurs and Tibetans. New religious affairs regulations were adopted expanding legal protection for some activities of registered religious groups, but repression of unregistered religious groups continued, as did repression of the Falun Gong spiritual movement.

In Belarus President Lukashenko continued to arrogate all power to himself and his dictatorial regime. Pro-democracy activists, including opposition politicians, independent trade union leaders, students, and newspaper editors, were detained, fined, and imprisoned for criticizing Lukashenko and his regime. His government increasingly used tax inspections and new registration requirements to complicate or deny NGOs, independent media, political parties, and minority and religious organizations the ability to operate legally.

**Second, human rights and democracy are closely linked, and both are essential to long-term stability and security.** Free and democratic nations that respect the rights of their citizens help to lay the foundation for lasting peace. In contrast, states that severely and systematically violate the human rights of their own people are likely to pose threats to neighboring countries and the international community.

Burma is a case in point. Only by Burma's return to the democratic path from which it was wrenched can the basic rights of the Burmese people be realized. The junta refuses to recognize the results of the historic free and fair legislative elections in 1990. The regime's cruel and destructive misrule has inflicted tremendous suffering on the Burmese people and caused or exacerbated a host of ills for its neighbors, from refugee

outflows to the spread of infectious diseases and the trafficking of drugs and human beings. On December 16, the UN Security Council held a landmark discussion on the situation in Burma.

The Democratic People's Republic of Korea is another example. When the Korean peninsula was divided, the DPRK and the Republic of Korea (ROK or South Korea) were at roughly the same economic point, and both were subject to authoritarian rule. Political and economic freedom has made the difference between the two Koreas. Today, North Koreans are deprived of the most basic freedoms, while the regime's authoritarian rule produced tens of thousands of refugees. The government earned hard currency through illicit activities, including narcotics trafficking, counterfeiting of currency and goods such as cigarettes, and smuggling. Pyongyang has not heeded the international community's repeated calls to dismantle its nuclear programs.

The Iranian government continued to ignore the desire of the Iranian people for responsible, accountable government, continuing its dangerous policies of pursuing a nuclear weapons capability, providing support to terrorist organizations, and advocating – including in several public speeches by the new president – the destruction of a UN member state. Iran's deprivation of basic rights to its own people, its interference in Iraq, its support for Hizballah, Hamas, and other terrorist organizations, and its refusal to engage constructively on these issues, have further isolated it from the world community.

Similarly, the government of Syria refused international calls to respect the fundamental freedoms of its people and end its interference in the affairs of its neighbors. Syria continued to provide support for Hizballah, Hamas, and other Palestinian rejectionist groups and did not cooperate fully with the UN International Independent Investigative Commission on the assassination in Beirut of former Lebanese Prime Minister al-Hariri. The Chief Investigator's reports concluded that evidence pointed to involvement by Syrian authorities and made it clear that Syrian officials, while purporting to cooperate, deliberately misled the investigators.

By contrast, in the Balkans, a marked overall improvement in human rights, democracy, and the rule of law over the past several years has led to greater stability and security in the region. Increasingly democratic governments are in place, more war criminals are facing justice, significant numbers of displaced persons have returned home, elections are progressively more compliant with international standards, and neighbors are deepening their cooperation to resolve post-conflict and regional problems. Many countries of the former Yugoslavia have made progress in bringing persons accused of war crimes to trial in domestic courts, which is important to national reconciliation and regional stability. At the end of 2005, however, two of the most wanted war crimes suspects, Radovan Karadzic and Ratko Mladic, remained at large.

**Third, some of the most serious violations of human rights are committed by governments within the context of internal and/or cross-border armed conflicts.** The Sudanese government's 2003 attempt to quell a minor uprising of African rebels in Darfur by arming *janjaweed* militias and allowing them to ravage the region resulted in a vicious conflict. The Department of State in September of 2004 determined that genocide occurred in Darfur. It continued in 2005. By the end of 2005, at least 70 thousand civilians had perished, nearly 2 million had been displaced by the fighting, and more than 200 thousand refugees had fled into neighboring Chad. Torture was widespread and systematic in Darfur, as was violence against women, including rape used as a tool of war. There were reports of women being marched away into the desert; their fate remained unknown. The Comprehensive Peace Agreement signed by the Sudanese government and the Sudan People's Liberation Movement opened the way to adopt a constitution in July and form a government of national unity to serve until elections in 2009. The African Union deployed seven thousand troops to Darfur, where their presence helped curb some but not all of the violence. At the end of 2005, government-supported *janjaweed* attacks on civilians continued.

Nepal's poor human rights record worsened. The government continued to commit many serious abuses, both during and after the February-April state of emergency that suspended all fundamental rights except for habeas corpus. In many cases the government disregarded habeas corpus orders issued by the Supreme Court and often rearrested student and political party leaders. The Maoist insurgents also continued their campaign of torturing, killing, bombing, conscripting children, kidnapping, extorting, and forcing closures of schools and businesses.

The political crisis in Cote d'Ivoire, which continued to divide the country, led to further abuses in 2005, including rape, torture, and extrajudicial killings committed by government and rebel security forces. There

were fewer reports of rebel recruitment of child soldiers, and many were released. Violence and threats of violence against the political opposition continued. Despite continued efforts by the international community and the African Union, the political process to establish a power-sharing government remained stalled. By the end of September, little work had been completed to prepare for the scheduled October 30 elections, and disarmament of the New Forces rebel group had not begun. On October 6, the African Union decided to extend President Laurent Gbagbo's term in office by up to one year.

In Chechnya and elsewhere in Russia's Northern Caucasus region, federal forces and pro-Moscow Chechen forces engaged in abuses including torture, summary executions, disappearances, and arbitrary detentions. Pro-Moscow Chechen paramilitaries at times appeared to act independently of the Russian command structure, and there was been no indication that the federal authorities made any effective effort to rein them in or hold them accountable for egregious abuses. Antigovernment forces also continued to commit terrorist bombings and serious human rights abuses in the North Caucasus. The year 2005 saw the continued spread of violence and abuses throughout the region, where there was an overall climate of lawlessness and corruption.

The Great Lakes region of central Africa, encompassing the Democratic Republic of the Congo (DRC), Rwanda, Burundi, and Uganda, has been plagued by civil war, large-scale interethnic violence, and severe conflict-related human rights abuses for well over a decade. However, there was less violence overall in 2005, and the human rights situation improved markedly, encouraging tens of thousands of displaced persons, particularly Burundians, to return home. Burundi concluded its four-year transitional process, and there were historical electoral advances in the DRC. Governments in the Great Lakes region made significant progress in demobilizing thousands of child soldiers in their military forces and those belonging to various rebel groups. At the same time, various armed groups based in eastern Congo continued to destabilize the region and compete with one another for strategic and natural resources, despite UN-supported Congolese military operations to disband armed groups in the DRC. Thousands of rebels from Rwanda, Uganda, and Burundi, including Rwandan rebels who led the 1994 Rwandan genocide, continued to oppose the government of their respective countries, attack civilians in the DRC, and commit numerous serious abuses, particularly against women and children. The governments of Rwanda and Uganda reportedly continued illegally to channel arms to armed groups operating and committing abuses in the eastern DRC.

In Colombia, human rights violations related to the 41-year internal armed conflict continued. However, the government's concentrated military offensive against illegal armed groups and ongoing demobilization of paramilitary groups led to reductions in killings and kidnappings. Colombia also began a four-year process to implement a new adversarial accusatory-style criminal procedures code. However, impunity remained a major obstacle, particularly for officials accused of committing past human rights abuses, as well as for certain members of the military who collaborated with paramilitary groups.

**Fourth, where civil society and independent media are under siege, fundamental freedoms of expression, association, and assembly are undermined.** A robust civil society and independent media help create conditions under which human rights can flourish by raising awareness among publics about their rights, exposing abuses, pressing for reform, and holding governments accountable.

Governments should defend – not abuse – the peaceful exercise of fundamental freedoms by members of the media and civil society even if they do not agree with their views or actions. Restrictions that are imposed by law on the exercise of such freedoms can only be justified to the extent they are consistent with a country's human rights obligations and are not merely a pretext for restricting such rights.

When states wield the law as a political weapon or an instrument of repression against civil society and the media, they rule by law rather than upholding the rule of law. The rule of law acts as a check on state power, i.e., it is a system designed to protect the human rights of the individual against the power of the state. In contrast, rule by law can be an abuse of power, i.e., the manipulation of the law and the judicial system to maintain the power of the rulers over the ruled.

In 2005, a disturbing number of countries across the globe passed or selectively applied laws against the media and NGOs. For example:

The Cambodian government utilized existing criminal defamation laws to intimidate, arrest, and prosecute critics and opposition members over the course of the year.

China increased restrictions on the media and the Internet, leading to two known arrests.

The Zimbabwean government arrested persons who criticized President Mugabe, harassed and arbitrarily detained journalists, closed an independent newspaper, forcibly dispersed demonstrators, and arrested and detained opposition leaders and their supporters.

In Venezuela new laws governing libel, defamation, and broadcast media content, coupled with legal harassment and physical intimidation, resulted in limitations on media freedoms and a climate of self-censorship. There continued to be reports that government representatives and supporters intimidated and threatened members of the political opposition, several human rights NGOs, and other civil society groups. Some NGOs also charged that the government used the judiciary to place limitations on the political opposition.

In Belarus the Lukashenko government stepped up its suppression of opposition groups and imposed new restrictions on civil society. There were politically motivated arrests, several independent newspapers were closed, the operations of others were hindered, and NGOs were harassed.

In Russia raids on NGO offices, registration problems, intimidation of NGO leaders and staff and visa problems for foreign NGO workers had a negative effect, as did the parliament's adoption of a new restrictive law on NGOs. The Kremlin also acted to limit critical voices in the media. The government decreased the diversity of the broadcast media, particularly television, the main source of news for the majority of Russians. By the end of 2005, all independent nationwide television stations had been taken over either by the state or by state-friendly organizations.

**Fifth, democratic elections by themselves do not ensure that human rights will be respected, but they can put a country on the path to reform and lay the groundwork for institutionalizing human rights protections.** Democratic elections are, however, milestones on a long journey of democratization. They are essential to establishing accountable governments and governmental institutions that abide by the rule of law and are responsive to the needs of citizens.

In Iraq 2005 was a year of major progress for democracy, democratic rights and freedom. There was a steady growth of NGOs and other civil society associations that promote human rights. The January 30th legislative elections marked a tremendous step forward in solidifying governmental institutions to protect human rights and freedom in a country whose history is marred by some of the worst human rights abuses in the recent past. In an October 15 referendum and December 15 election, Iraqi voters adopted a permanent constitution and elected members of the country's new legislature, the Council of Representatives, thus consolidating democratic institutions that can provide a framework for a democratic future. Although the historic elections and new institutions of democratic government provided a structure for real advances, civic life and the social fabric remained under intense strain from the widespread violence principally inflicted by insurgent and terrorist elements. Additionally, elements of sectarian militias and security forces frequently acted independently of government authority. Still, the government set and adhered to a legal and electoral course based on respect for political rights.

Although deprived of basic human rights for years, Afghans in 2005 continued to show their courage and commitment to a future of freedom and respect for human rights. September 18 marked the first parliamentary elections in nearly three decades. Women enthusiastically voted in the elections, which included 582 female candidates for office. Sixty-eight women were elected to the lower House in seats reserved for women under the 2004 Constitution. Seventeen of the 68 women would have been elected in their own right even without the set-aside seats. In the upper House, 17 of the 34 seats appointed by the president were reserved for women; the Provincial Councils elected an additional 5 women for a total of 22 women. The September 18 parliamentary elections occurred against the backdrop of a government still struggling to expand its authority over provincial centers, due to continued insecurity and violent resistance in some quarters.

In Ukraine there were notable improvements in human rights performance following the Orange Revolution, which led to the election of a new government reflecting the will of the people. In 2005 there was increased

accountability by police officers, and the mass media made gains in independence. Interference with freedom of assembly largely ceased, and most limitations on freedom of association were lifted. A wide variety of domestic and international human rights groups also generally operated without government harassment.

Indonesia, the world's most populous Muslim majority country, made significant progress in strengthening the architecture of its democratic system. Through a series of historic local elections, Indonesians were able directly to elect their leaders at the city, regency, and provincial levels for the first time. There were improvements in the human rights situation, although significant problems remained, and serious violations continued. A critical development was the landmark August 15 peace agreement with the Free Aceh Movement ending decades of armed conflict. The government also inaugurated the Papuan People's Assembly and took other steps toward fulfilling the 2001 Special Autonomy Law on Papua.

Lebanon made significant progress in ending the 29-year Syrian military occupation and regaining sovereignty under a democratically elected parliament. However, continuing Syrian influence remained a problem.

Liberia emerged into the international democratic arena with its dramatic step away from a violent past and toward a free and democratic future. On November 23, Ellen Johnson Sirleaf was declared the winner of multiparty presidential elections, making her Africa's first elected female head of state and marking a milestone in the country's transition from civil war to democracy. The transitional government generally respected the human rights of its citizens and passed legislation to strengthen human rights. However, police abuse, official corruption, and other problems persisted and were exacerbated by the legacy of the 14-year civil war, including severely damaged infrastructure and widespread poverty and unemployment.

**Sixth, progress on democratic reform and human rights is neither linear nor guaranteed.** Some states still have weak institutions of democratic government and continue to struggle; others have yet to fully commit to the democratic process. Steps forward can be marred with irregularities. There can be serious setbacks. Democratically elected governments do not always govern democratically once in power.

In 2005, many countries that have committed themselves to democratic reform showed mixed progress; some regressed.

The Kyrgyz Republic's human rights record improved considerably following the change in leadership between March and July, although problems remained. President Akayev fled the country after opposition demonstrators took over the main government building in the capital to protest flawed elections. The July presidential election and November parliamentary election constituted improvements in some areas over previous elections. However, constitutional reform stalled and corruption remained a serious problem.

In Ecuador, congress removed democratically elected President Lucio Gutierrez in April following large scale protests and public withdrawal of support by the military and the national police leadership. Vice President Alfredo Palacio succeeded Gutierrez, and elections were scheduled for 2006.

Although the transitional government of the Democratic Republic of Congo postponed national general elections until 2006, the country held its first democratic national poll in 40 years. Voters overwhelmingly approved a new constitution in a largely free and fair national referendum, despite some irregularities.

In June, the Ugandan parliament approved a controversial amendment to eliminate presidential term limits, clearing the way for President Museveni to seek a third term. However, citizens voted in a national referendum to adopt a multiparty system of government, and the parliament amended the electoral laws to include opposition party participation in elections and in government.

The Egyptian government amended its constitution to provide for the country's first multiparty presidential election in September. Ten political parties fielded candidates, and the campaign period was marked by vigorous public debate and greater political awareness and engagement. Voter turnout was low, however, and there were credible reports of widespread fraud during balloting. Presidential runner-up Ayman Nour, his parliamentary immunity stripped away in January, was sentenced in December on forgery charges to five years' imprisonment after a six-month trial that failed to meet basic international standards. The November and December parliamentary elections witnessed significant gains by candidates affiliated with the outlawed

Muslim Brotherhood. These elections were marred by excessive use of force by security forces, low turnout, and vote-rigging. The government refused to admit international observers for either the presidential or parliamentary elections. The National Council for Human Rights, established by the Egyptian parliament, issued its first annual report, frankly describing government abuses.

During the Ethiopian parliamentary elections in May, international observers noted numerous irregularities and voter intimidation. Scores of demonstrators protesting the elections were killed by security forces. Authorities detained, beat, and killed opposition members, NGO workers, ethnic minorities, and members of the press.

Azerbaijan's November parliamentary elections, while an improvement in some areas, failed to meet a number of international standards. There were numerous credible reports of local officials interfering with the campaign process and misusing state resources, limited freedom of assembly, disproportionate use of force by police to disrupt rallies, and fraud and major irregularities in vote counting and tabulation. Thus far, additional actions taken during the postelection grievance process have not fully addressed the shortcomings of the electoral process.

Kazakhstan showed improvements in the pre-election period for the December presidential election, but overall it fell short of international standards for free and fair elections. The Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights noted serious limitations on political speech that prohibited certain kinds of criticism of the president, unequal access to the media for opposition and independent candidates, and violent disruptions of opposition campaign events. Legislation enacted during 2005, in particular the extremism law, national security amendments, and election law amendments, eroded legal protections for human rights and expanded the powers of the executive branch to regulate and control civil society and the media. But the Constitutional Court deemed unconstitutional a restrictive NGO law.

Uzbekistan's human rights record, already poor, worsened considerably in 2005. A violent uprising in May in the city of Andijon led to disproportionate use of force by the authorities and a wave of repressive government actions that dominated the remainder of the year. The uprising started after a series of daily peaceful protests in support of businessmen on trial between February and May for Islamic extremism. On the night of May 12-13, unidentified individuals seized weapons from a police garrison, stormed the city prison where the defendants were being held, killed several guards, and released several hundred inmates, including the defendants. They then occupied the regional administration building and took hostages. On May 13, according to eyewitness accounts, government forces fired indiscriminately into a crowd that included unarmed civilians, resulting in hundreds of deaths. In the aftermath, the government harassed, beat, and jailed dozens of human rights activists, journalists, and others who spoke out about the events and sentenced numerous people to prison in trials that did not meet international standards. The government forced numerous domestic and international NGOs to close and severely restricted those that continued to operate.

In Russia, efforts continued to concentrate power in the Kremlin and direct democracy from the top down. To those ends, the Kremlin abolished direct elections of governors in favor of presidential nomination and legislative approval. In the current Russian context, where checks and balances are weak at best, this system limits government accountability to voters while further concentrating power in the executive branch. Amendments to the electoral and political party law amendments, billed as intended to strengthen nationwide political parties in the longer term, could in fact reduce the ability of opposition parties to compete in elections. This trend, taken together with continuing media restrictions, a compliant parliament, corruption and selectivity in enforcement of the law, political pressure on the judiciary, and harassment of some NGOs, resulted in an erosion of the accountability of government leaders to the people.

Pakistan's human rights record continued to be poor, despite President Musharraf's stated commitment to democratic transition and "enlightened moderation." Restrictions remained on freedom of movement, expression, association, and religion. Progress on democratization was limited. During elections for local governments in 2005, international and domestic observers found serious flaws, including interference by political parties, which affected the outcome of the vote in parts of the country. Police detained approximately 10 thousand Pakistan People's Party activists in April prior to the arrival for a rally of Benazir Bhutto's husband, Asif Ali Zardari. The security forces committed extrajudicial killings, violations of due process, arbitrary arrest, and torture. Corruption was pervasive throughout the government and police

forces, and the government made little attempt to combat the problem. Security force officials who committed human rights abuses generally enjoyed de facto legal impunity.

Despite hard realities and high obstacles, there is an increasing worldwide demand for greater personal and political freedom and for the spread of democratic principles. For example, in the Broader Middle East and North Africa (BMENA) region, recent years have witnessed the beginnings of political pluralism, unprecedented elections, new protections for women and minorities, and indigenous calls for peaceful, democratic change.

At the November 2005 Forum for the Future held in Manama, Bahrain, 40 leaders representing civil society organizations from 16 BMENA countries participated alongside their foreign ministers. The civil society leaders outlined a set of priorities with a particular focus on rule of law, transparency, human rights, and women's empowerment. Among those serving on this civil society delegation were representatives from the Democracy Assistance Dialogue (DAD), who presented the outcomes of discussions and debates held over the course of the year between civil society leaders and their government counterparts on the critical topics of election reform and the development of legitimate political parties. The growing DAD network includes hundreds of civil society leaders from the BMENA region. To better support growing reform efforts in the region, a Foundation for the Future to provide support directly to civil society and a Fund for the Future to support investment in the region, were also launched at the Forum. The level and depth of civil society participation at the Forum for the Future was historic and positive and set an important precedent for genuine dialogue and partnership between civil society and governments on issues of political reform.

The Forum for the Future is just one of the many mechanisms through which the United States, other Group of 8 countries, and regional governments support the indigenous desire for reform in the broader Middle East and North Africa.

The growing worldwide demand for human rights and democracy reflected in these reports is not the result of the impersonal workings of some dialectic or of the orchestrations of foreign governments. Rather, this call derives from the powerful human desire to live in dignity and liberty and from the personal bravery and tenacity of men and women in every age and in every society who serve and sacrifice for the cause of freedom.

# Saudi Arabia

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Saudi Arabia is a monarchy ruled by the Al Saud family without elected representative institutions at the national level and with a 2004 population of approximately 26.7 million of which an estimated 7 million were foreign citizens. On August 1, King Abdullah bin Abd al-Aziz Al Saud ascended the throne upon the death of his half-brother, King Fahd bin Abd al-Aziz Al Saud. As the custodian of Islam's two holiest sites in Mecca and Medina, the government bases its legitimacy in governance according to its interpretation of Islamic law (Shari'a). The Basic Law sets out the system of government, rights of citizens, powers, and duties of the state, and provides that the Koran and the Traditions (*Sunna*) of the Prophet Muhammad serve as the country's constitution. The government generally maintained effective control over the security forces.

Human rights issues have not historically been the subject of public discourse but have become increasingly prominent during the year. The government's human rights record remained poor overall with continuing serious problems, despite some progress. The following human rights problems were reported:

- no right to change the government
- infliction of severe pain by judicially sanctioned corporal punishments
- beatings and other abuses
- arbitrary arrest
- incommunicado detention
- denial of fair public trials
- exemption from the rule of law for some individuals and lack of judicial independence
- political prisoners
- infringement of privacy rights
- significant restriction of civil liberties --freedoms of speech and press, assembly, association, and movement
- no religious freedom
- widespread perception of corruption
- lack of government transparency
- legal and societal discrimination against women, religious and other minorities
- strict limitations on worker rights.

For the first time since 1963, elections for governmental bodies occurred during the year. On February 10, March 3, and April 21, a male electorate chose 592 members, half of the seats, on 178 advisory municipal councils. Women were not permitted to vote or stand for office. On December 14, the king and crown prince appointed the other half of the council members. During the year public attention to human rights increased; unlike in previous years, human rights issues were discussed in the media. On September 12, the Council of Ministers approved the establishment of the Human Rights Commission, a specialized governmental entity, aimed at protecting and enhancing human rights as well as raising public awareness and ensuring the implementation of human rights in line with Shari'a rule.

### RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings; however, the government executed persons for criminal offenses after closed trials, making it impossible to assess whether legal protections were applied (see section 1.e.). The country's highest court, the Supreme Judicial Council, is responsible for reviewing cases involving sentences of stoning, amputation, or death, and sentences can only be enforced pursuant to a royal decree issued by the king.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Basic Law prohibits torture and Shari'a prohibits judges from accepting confessions obtained under duress; however, authorities abused both citizens and foreigners. Ministry of Interior (MOI) officials were responsible for most incidents of abuse of prisoners, including beatings, whippings, and sleep deprivation. In addition, there were allegations of beatings with sticks and suspension from bars by handcuffs. There were allegations that these practices were used to force confessions from prisoners.

During the year the religious police (*Mutawwa'in*) harassed, abused, and detained citizens and foreigners of both sexes. These incidents were most common in the central region, including the capital, Riyadh, and less frequent in the eastern and western regions of the country.

The government sentenced criminals to punishment according to its interpretation of Shari'a. Corporal punishments provided by law included public execution by beheading, amputation, lashing, and other measures deemed appropriate by the judicial authorities, including potentially as eye-gouging.

By year's end, the press reported approximately 86 executions. Executions were for killings, narcotics-related offenses, rape, and armed robbery. The authorities punished repeated thievery and other repeated offenses by amputation of the right hand and left foot. The government also punished convicted persons by lashing. According to press reports, lashes were generally administered with a thin reed by a man who must hold a book under his arm to prevent him from lifting the arm too high. The strokes, delivered through a thin shirt, are not supposed to leave permanent damage, but to leave painful welts that bleed and bruise. Persons convicted of less serious offenses, such as alcohol-related offenses or being alone in the company of an unrelated person of the opposite sex sometimes were punished by lashing.

According to January 6 press reports, two young citizens, Barjis bin Faleh and Abdulrahman bin Haif, were sentenced to prison terms (12 years and 1,200 lashes and 2 years and 200 lashes) for orchestrating, filming with a camera phone and distributing a video on the Internet of a foreign driver sexually assaulting a 17-year-old girl. The driver was sentenced to 2 years and 600 lashes. The press reported on January 24 that a 12-year-old Bangladeshi boy was arrested for pickpocketing pilgrims and lashed 80 times after conviction by an ad hoc court in Mina.

After arrest at a private party in Jeddah on March 10, more than one hundred men were convicted and sentenced after closed trials for "dancing and behaving like women." More than 70 men were sentenced to one year's imprisonment. Thirty one men received sentences ranging from six months to one year and 200 lashes for each. Four men were sentenced to two year's imprisonment and two thousand lashes each, according to the NGO Human Rights Watch (HRW).

On November 14, a court in Qassim Province ordered 750 lashes, as well as a prison sentence of 40 months and a ban from teaching for Muhammad al-Harbi, a high school chemistry teacher, reportedly after accusations of "trying to sow doubt in a student's creed" by speaking positively about his views on Christianity, Judaism, and analyzing the causes of terrorism (see sections 1.e. and 2.a.). There was domestic as well as international media attention to the case and the sentences were not carried out because the king pardoned al-Harbi in December.

In a similar case in 2001, Muhammad al-Suhaimi, a teacher in an intermediate school, was suspended from teaching and was told not to talk to the media after reportedly engaging in a discussion with students about love in relation to marriages in the country and in relation to God. Authorities accused him of encouraging students to engage in homosexuality and to commit adultery. In a subsequent trial in 2001, al-Suhaimi was sentenced to three years in prison and 300 lashes, but appealed the conviction. He began serving his sentence during the year and served two weeks in prison before receiving a pardon from King Abdullah on December 8.

At year's end the case Puthan Veetil 'Abdul Latif Noushad, an Indian citizen was still under review under review in the appeals court in Riyadh. In 2003 the greater Shari'a Court of Dammam sentenced him to have his right eye gouged out in punishment for his role in a fight which injured a Saudi citizen. Noushad was sentenced to prison for three years

Following a December 16, 2004 political demonstration, 15 demonstrators were sentenced to between 100

and 250 lashes.

The government reserved its position on Article 20 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and does not recognize the jurisdiction of the Committee against Torture to investigate allegations of systematic torture.

#### Prison and Detention Center Conditions

Conditions at prisons and detention centers were generally acceptable, according to international standards. However, there were some prisons with below-acceptable standards in hygiene, food, medical, and social services, and prolonged detention of prisoners in poor health. Many jails remained overcrowded, and some detainees were allowed family visits only after a significant period of time after their initial incarceration. The authorities restricted access of foreign visitors to the prisons, 80 percent of whose inmates were non-Saudis, according to HRW. The government-patronized NSHR published a report in December 2004, including information on its prison visits.

#### d. Arbitrary Arrest or Detention

The Basic Law prohibits arbitrary arrest and detention and limits the period of arrest to five days without charges being filed; however, ambiguities in implementation of the law and lack of due process give the minister of interior broad powers to detain persons indefinitely. In practice, persons were held weeks or months and sometimes longer.

#### Role of the Police and Security Apparatus

King Abdullah remained in command of the National Guard. Crown Prince Sultan remained the minister of defense and aviation with responsibility for all armed forces of the Ministry of Defense and Aviation. The minister of interior, Prince Nayif, exercised control over government internal security forces: police and border forces, and the General Directorate of Investigation (GDI), its internal security service (*Mabahith*), and its own special forces. The religious police (*Mutawwa'in*) or the Committee for the Promotion of Virtue and Prevention of Vice constitute a semiautonomous agency, reporting to the king via the Royal Diwan (the king's private office). They monitor public behavior to enforce strict adherence to conservative Islamic norms.

#### Arrest and Detention

The law prohibits arbitrary arrest and detention and limits the period of arrest to 5 days without charges being filed; however, in practice, persons were held weeks, months and sometimes longer, and the law gives the minister of interior broad powers to detain persons indefinitely.

At times the authorities arrested and detained persons without following explicit legal guidelines. The religious police intimidated, harassed and brought to police stations, persons whom they accused based on their own religious interpretations of committing "crimes of vice" including arrests for witchcraft and sorcery (see section 2.c.).

The regulations provide for bail for less serious crimes, although authorities at times released detainees on the recognizance of a patron or sponsoring employer without payment of bail. Throughout the country several Committees for Collection of Donations for Impoverished Prisoners raised funds to pay fines stemming from traffic accidents and civil cases since prisoners remain in custody until the fines are paid, regardless of length of sentence.

If accused persons were not released, authorities typically detained them for an average of two months before sending the case to trial or, in the case of some foreigners, summarily deporting them. There were no established procedures providing detainees the right to inform their family of their arrest.

By royal decree, the religious police have the authority to detain persons for no more than 24 hours for violations of the strict standards of proper dress and behavior that they themselves determine; however, they often exceeded this limit before delivering detainees to the police (see section 1.f.).

The religious police generally complied with the requirement that a police officer accompany them at the time of an arrest; however, there were cases in which religious police detained persons without the presence of a police officer. During the year in the conservative Nejd region that includes Riyadh, reports continued of

religious police accosting, abusing, arresting, and detaining persons alleged to have violated dress and behavior standards. There were also a number of reports of religious police in Mecca taking similar actions. The risk of harassment was substantial. The religious police detained young men for offenses that included eating in restaurants with young women not related to them, allegedly making lewd remarks to women in shopping malls, or walking in groups through family-only sections of shopping centers. Religious police detained women of many nationalities for actions such as riding in a taxi with a man who was not their relative, appearing with their heads uncovered in shopping malls, and eating in restaurants with males who were not their relatives. Many such prisoners were held for days, sometimes weeks, without officials notifying their families or, in the case of noncitizens, their embassies.

There continued to be cases in which religious police arrested and detained Christians for practicing their faith; some were charged with holding services in their homes, while others were apparently arrested arbitrarily (see section 2.c.).

The authorities may detain without charge persons who publicly criticize the government, or may charge them with attempting to destabilize the government (see sections 2.a. and 3).

Political detainees arrested by the internal security service were held incommunicado in special prisons during the initial phase of an investigation. This period may last weeks or months under the MOI's broad legal authority. Access by families or lawyers to detainees was restricted.

Political protestors arrested and detained in December 2004 were held for weeks prior to being charged. Islamist dissident Shaykh Sa'eed bin Za'er remained in jail without charge from April 19, 2004 until his pardon on August 8.

The government continued to discriminate and commit abuses against members of the Shi'a Muslim minority. Government security forces, mostly religious police, reportedly arrested Shi'a based on scant suspicion, held them in custody for lengthy periods, and then released them without explanation.

Citizens can report abuses by security forces at any police station; however, there is no information publicly available on how complaints were handled.

#### Amnesty

The government continued its tradition of releasing prisoners on special occasions and during Ramadan and religious holy days. On August 8, the king pardoned Islamist dissident Shaykh Sa'eed bin Za'er and three jailed political dissidents who advocated constitutional reform and their lawyer (see sections 1.e., 2.a., and 2.d.). King Abdullah also pardoned five Libyans who had plotted to assassinate him when he was crown prince and, during Ramadan, thousands of prisoners held for petty crimes.

#### e. Denial of Fair Public Trial

The Basic Law provides for an independent judiciary, and the judiciary usually decided cases on their merits; however, members of the royal family were not required to appear before the courts, and their associates have influenced judges. The Supreme Judicial Council, whose members are appointed by the king, appoints, transfers, and removes judges. The Ministry of Justice disciplines judges. The Basic Law allows for a public trial; however most trials were closed to the public.

The legal system is based on the government's interpretation of Islamic law in all courts. Courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance. Their jurisdiction extends to non-Muslims for crimes committed in the country. Cases involving relatively small penalties were tried in summary courts. More serious crimes are adjudicated in courts of common pleas from which appeals may be made to the courts of appeal.

Other civil proceedings, such as those involving claims against the government and enforcement of foreign judgments, were held before various specialized administrative tribunals including the Commission for the Settlement of Labor Disputes. The Board of Grievances hears complaints against government actions, including against the religious police. Plaintiffs have won their cases in these tribunals against government actions and been able to enforce foreign judgments.

On April 3, the late King Fahd issued a royal decree endorsing a reorganization plan for the judiciary proposed by the ministerial committee for administrative reforms. During the year the government was

implementing the plan under which Shari'a remains the basis for the judicial system.

The government permitted Shi'a Muslims to use their own legal tradition to adjudicate cases involving domestic issues, inheritance, and Islamic endowments. However, there were only two judges. The two courts, one in Al-Hasa and the other in Qatif, handled cases of Shi'a family law. However, these courts did not have adequate resources to serve the large Shi'a population in the Eastern Province, and either party to a dispute can appeal the Shi'a court's decision to a Shari'a (Sunni) court based on the Hanbali school of jurisprudence.

There was no comparable right for non-Muslims or foreigners, whose cases were handled in Shari'a courts.

The military justice system has jurisdiction over uniformed personnel and civil servants who are charged with violations of military regulations. The minister of defense and aviation and the king review the decisions of courts-martial.

According to the Justice Ministry, judges are free to base their decisions on any of the four Sunni schools of jurisprudence, although in practice judges usually follow the Hanbali school.

The Supreme Judicial Council may not reverse decisions made by courts of appeal; however, the Council may review lower-court decisions and refer them back to the lower court for reconsideration.

The Council of Senior Religious Scholars (*Ulema*) is an autonomous advisory body of 20 senior religious jurists, including the minister of justice, which interprets Shari'a establishing the legal principles to guide lower-court judges.

#### Trial Procedures

The Criminal Procedure Law provides persons under investigation the right to a lawyer and permits lawyers to present arguments in criminal courts. The Law also provides the right to inform convicts of their right to appeal rulings.

A woman's testimony does not carry the same weight as that of a man. In a Shari'a court, the testimony of one man equals that of two women. Under the Hanbali interpretation of Shari'a followed in the kingdom, judges may discount the testimony of persons who are not practicing Muslims or who do not adhere to Hanbali doctrine. Legal sources reported that testimony by Shi'a was often ignored in courts of law or was deemed to have less weight than testimony by Sunnis.

Female parties to court proceedings such as divorce and family law cases generally had to deputize male relatives to speak on their behalf. In the absence of two witnesses, or four witnesses in the case of adultery, confessions before a judge were almost always required for criminal conviction--a situation that has led prosecuting authorities to coerce confessions from suspects by threats and abuse (see section 1.c.).

Laws and regulations state that defendants should be treated equally; however, sentencing was not uniform and crimes against Muslims received harsher penalties than those against non-Muslims. In the case of wrongful death, the amount of indemnity or "blood money" awarded to relatives varied with the nationality, religion, age, and sex of the victim. A sentence may be changed at any stage of review, except for punishments stipulated by the Koran.

Islamic law considers Hindus to be polytheists and on this basis justify discrimination in calculating accidental death or injury compensation. According to the country's Hanbali interpretation of Shari'a, once fault is determined by a court, a Muslim male receives 100 percent of the amount of compensation determined, a Jew or Christian male receives 50 percent, and all others receive 1/16 of the amount a male Muslim receives. Women receive 50 percent of what men receive in each of these categories.

Provincial governors (all of whom were members of the royal family during the year) have authority to reduce a sentence. In court cases between two individuals, the wronged party has the right to accept money or impose no punishment instead of the punishment decreed by the judge. In general, members of the royal family and other powerful families were not subject to the same rule of law as ordinary citizens.

The king and his advisors review cases involving capital punishment. The king has the authority to commute death sentences and grant pardons, except for capital crimes committed against individuals. In such cases, he may request the victim's next of kin to pardon the killer--usually in return for compensation from the family

of the convicted person or from the king.

#### Political Prisoners

The government did not provide information regarding political prisoners or respond to inquiries about them. The government conducted closed trials for persons who may have been political prisoners and in other cases has detained persons incommunicado for long periods while under investigation.

On August 8, King Abdullah pardoned imprisoned political reformers and dissidents Abdullah al-Hamid, Matrouk al-Faleh, and Ali al-Demaini as well as their lead attorney, Abdul Rahman al-Lahem, who had been arrested on November 6, 2004, and held without charge. The political reformers had been imprisoned since March 2004. After a closed trial, they were convicted of "sowing dissent and disobeying the ruler," for advocating peaceful democratic reform such as calling for a constitutional monarchy, planning to establish their own human rights organization, and protesting the composition of the board of the National Society for Human Rights (NSHR), which was funded by a donation by King Fahd. They were sentenced on May 15 to prison terms of between six and nine years. Their appeal had been denied in July (see section 2.a.).

Local human rights activists criticized the pardon because the political reformers were released without actual due process and open trials, meaning that the reformers were "unconditionally" pardoned rather than found "not guilty" and thus continued to be defined as convicted criminals. This could potentially have legal implications for them at a later date (see sections 1.d. and 2.d.). Sometimes pardoned persons' passports have been confiscated and they also may experience difficulty securing employment.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Basic Law guarantees the inviolability of homes and the privacy of correspondence. The Criminal Procedure Law requires authorities to obtain a warrant prior to searching a residence, or a court order prior to perusing personal correspondence or documents. The government generally respected this inviolability; however, there were cases in which the government infringed on these rights, notably religious police raids on private residences. Royal decrees include provisions calling for the government to defend the home from unlawful intrusions, while laws and regulations prohibit officials from intercepting mail and electronic communications except when necessary during criminal investigations. The police generally must demonstrate reasonable cause and obtain permission from a provincial governor before searching a private home.

Despite these provisions, customs officials routinely opened mail and shipments to search for contraband, including material deemed pornographic and that appeared to be non-Sunni Islamic religious material. Customs officials arbitrarily confiscated or censored materials including Christian Bibles and religious videotapes (see section 2.c.). The authorities also opened mail and used informants and wiretaps in internal security and criminal matters. Informants and an informal system of ward bosses in some districts reported to the MOI "seditious ideas," antigovernment activity, or "behavior contrary to Islam" in their neighborhoods.

The government enforced most social and Islamic religious norms, the government's interpretations of which are matters of law (see section 5). Women may not marry noncitizens without government permission; men must obtain government permission to marry noncitizen women outside the six states of the Gulf Cooperation Council (GCC). In accordance with Shari'a, women are prohibited from marrying non-Muslims; men may marry Christians and Jews, as well as Muslims (see section 2.c.). The government does not refuse marriage licenses between Sunni and Shi'a couples; tradition and culture, not law, restrict marriages between Sunni and Shi'a citizens.

According to the law, men who work in certain government positions, such as the military, cannot marry noncitizens though in practice exceptions are made. The government subjects top civil servants and security officials applying to marry foreigners to extensive questioning. Due to certain cultural norms, the government tends to be more lenient when approving marriages of foreigners to elderly and disabled Saudis. The marital restrictions also applied to citizens studying overseas on government scholarships. Violators risked disciplinary action; however, this policy was frequently violated and there were no reports of sanctions being imposed.

While religious police practices and incidents of abuse varied widely in different regions of the country, they were most numerous in the central Nejd region. In certain areas, the religious police and religious vigilantes, acting on their own, harassed, abused, arrested, and detained citizens and foreigners (see section 1.d.).

Religious police enforcement of strict standards of social behavior included closing commercial establishments during the five daily prayer observances, insisting upon compliance with strict norms of public dress, and dispersing gatherings of women in public places designated for men, as well as preventing unaccompanied or single men from entering public places designated for families. Religious police frequently reproached both citizen and foreign women for failure to observe strict dress codes, and arrested men and women found together who were not married or closely related.

Incidents involving the religious police increased during Ramadan because many religious police felt they had added license to assert their authority during the holy month.

The government blocked access to some Internet Web sites, claiming that these restrictions bar access to pornography. However, the government also blocked access to sites with religious and political material that the government considered offensive or sensitive.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

According to the Basic Law, the media's role is to educate the masses and to promote national unity; however, media outlets can be banned if they give rise to mischief and discord, compromise the security of the state and its public image, or offend man's dignity and rights. The government continued to restrict freedom of speech and press and censored articles that the government deemed negative towards it, the royal family or Islam. Authorities routinely censored foreign print sources. However, during the year, there was regular discussion in the media of social, economic, and political issues previously considered taboo such as reform, trafficking in persons, prostitution, homosexuality, the religious establishment, women's rights, and human rights.

In March 2004, journalist Faris bin Hozam al-Harbi was banned from writing or working for any newspaper; however, he was a frequent commentator on television on the topic of security and was often quoted in the press. On November 6, 2004, the lead attorney for the arrested political reformers, Abdul Rahman al-Lahem, was arrested. He had signed an agreement with the government undertaking not to speak to the press about the case, but continued to give interviews, telling one journalist that he did not accept the government's attempt to silence him. On August 8, the king pardoned al-Lahem with his political reformer clients (see section 1.e.).

The print media were censored and privately owned, but subsidized, and some were owned, financially backed by, or had other close ties to members of the royal family. Journalists also practiced self-censorship, refraining from direct criticism of government officials. A media policy statement and a national security law both prohibit the dissemination of criticism of the royal family and the government. The government media policy statement urged journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. The Ministry of Information appoints, and may remove, all editors in chief. The government also provided guidelines to newspapers regarding controversial issues. The government-owned Saudi Press Agency expressed official government views.

The Saudi Journalist Association was founded in 2004 under a charter granted by the government in 2003. Membership is voluntary and open to both men and women. Some journalists chose not to join. Non-Saudi journalists working in the kingdom were eligible to join as nonvoting members. The organization's board of directors, which was elected on June 7, 2004, had nine members, including two women.

The authorities continued to ban government employees from criticizing the government. The government enforced existing laws based on Article 12 of the Basic Law that provides the state with the authority to "prevent anything that may lead to disunity, sedition, and separation." Accordingly, all public employees are enjoined from "participating, directly or indirectly, in the preparation of any document, speech or petition, engaging in dialogue with local and foreign media, or participating in any meetings intended to oppose the State's policies."

Newspapers routinely investigated and published stories on crime and terrorism. Two London-based Arabic dailies, *Al-Sharq Al-Awsat* and *Al-Hayat*, continued to be owned by members of the royal family and were widely distributed and read in the country. Both newspapers practiced self-censorship.

The government owned and operated most domestic television and radio companies. Government censors removed any reference from foreign programs and songs to politics, religions other than Islam, pork or pigs,

alcohol, and sex.

During the year, the Consultative Council (*Majlis al-Shura*) continued partial, delayed television coverage of its proceedings and allowed journalists to attend sessions. The December National Dialogue meeting on relations with Muslim minorities and non-Muslims was simultaneously broadcast throughout the kingdom (see sections 2.b. and 2.c.).

There were several million satellite-receiving dishes in the country, which provided citizens with foreign television programming. Access to outside sources of information, such as Arabic and Western satellite television channels and the Internet was widespread.

The government banned books, magazines, and other materials that it considered sexual or pornographic in nature. The Ministry of Information compiled and updated a list of publications that were prohibited from being sold in the country. The government censored most forms of public artistic expression and prohibited cinemas and public musical or theatrical performances, except those that were considered folkloric.

Access to the Internet was available through local government-monitored servers. There were as many as one million Internet subscribers. Some citizens circumvented controls by accessing the Internet through servers in other countries. The government attempted to block Web sites that it deemed sexual, pornographic, politically offensive, or "un-Islamic"; however, many citizens were able to circumvent some or most of these restrictions. The government did have an "appeal" process, through which citizens could request reconsideration of a decision to block a particular Web site and authorities reportedly at least partially unblocked some Web sites.

A Shi'a professor continued to face a travel ban for his 2003 criticisms of the government's discriminatory policies against the Shi'a. There were other reports during the year that Shi'a activist writers and other public figures were banned from traveling and that the government had confiscated their passports.

The government continued to restrict academic freedom. The government prohibited the study of evolution, Freud, Marx, Western music, and Western philosophy. Some professors believed that informants monitored their classroom comments and reported them to government and religious authorities.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The Basic Law does not address freedom of assembly, and the government strictly limited it in practice and prohibited all public demonstrations.

In December 2004, police arrested 21 persons for taking part in an antigovernment protest in Jeddah. The protest was called by Saad al-Faqih, a London-based Saudi and supporter of international terrorism. At year's end, the detainees were still awaiting trial (see sections 1.d. and 3).

Public meetings were usually segregated by sex. The authorities monitored any large nonfamily gathering, particularly if women were present. The religious police dispersed any large nonfamily groups found in public places, such as restaurants.

##### Freedom of Association

The Basic Law does not address freedom of association, and the government strictly limited it in practice.

The government prohibited the establishment of political parties or any type of group that the government considered counter to its regime, or overstepping the bounds of criticism by challenging the king's authority (see section 3).

From January 2003 until the arrest of political reformers in March 2004, reform supporters submitted a series of petitions to the government. Their recommendations covered reform, women's rights, religious moderation, and political participation. In June 2003 the government instituted a series of "National Dialogue" discussions, to discuss issues involving religion, women, youth, extremism, and education. The fifth National Dialogue discussion took place in December, and dealt with relations with Muslim minorities and non-Muslims. The government also instituted a permanent National Dialogue Center in Riyadh. The

government licensed a large number of humanitarian organizations and tribal and professional societies, such as the Saudi Chemists Society and the Saudi Pharmacists Society.

### c. Freedom of Religion

The government does not provide legal protection for freedom of religion, and such protection did not exist. Islam is the official religion, and Islamic law as interpreted by the government requires that all citizens be Muslims. Government leaders called for tolerance and moderation, and King Abdullah and other leaders made public pronouncements condemning religious extremism.

The government continued to prohibit the public practice of non-Muslim religions and put limits on religious practices of Shi'a and Sufi sects. In general, the government has stated that non-Muslims are able to worship privately, but have not offered clear guidelines as to what constitutes private worship. Conversion by a Muslim to another religion is considered apostasy. Apostasy is a crime under Shari'a and, according to the government's interpretation, is punishable by death. In October 2004 a citizen, whom international NGO and local media reports claimed had converted to Christianity, was arrested in Hofuf and jailed. No further information was available at year's end.

Citizens and especially foreigners widely believed in and sometimes practiced magic and superstition. However, under the government's interpretation of Shari'a, the practice of magic was regarded as the worst form of polytheism, an offense for which no repentance was accepted, and which was punishable by death. An unknown number of detainees were held in prison on the charge of "sorcery" or the alleged practice of "black magic" or witchcraft.

The practice of other schools of Sunni Islam was discouraged, and adherents of the Shi'a branch of Islam faced various forms of discrimination condoned by the government, including restrictions on religious practice and on the building of mosques and community centers (see also sections 1.e., 3, and 5).

The Shi'a Muslim minority, estimated to be between 10 and 15 percent of the citizen population, lived mostly in the Eastern Province, although a significant number also resided in Medina in the Western Province and in Najran in the southwest. Its members were subjected to officially sanctioned discrimination of various forms (see also sections 1.e., 3, and 5). Many Shi'a view the ultimate jurisdiction of Shari'a (Sunni) courts over intra-Shi'a family matters as impinging on their religious freedom (see section 1.e.).

An estimated 700 thousand Sulaimani Ismailis, a subset of Shi'a Islam, live in the country, primarily in Najran. Reportedly, at least 57 Sulaimani Ismailis are still in jail following rioting in Najran in 2000. Allegedly, the government discriminated against them by prohibiting them from having their own religious books, allowing religious leaders to declare them unbelievers, denying them government employment or restricting them to lower-level jobs, and relocating them from the Southwest to other parts of the country or encouraging them to emigrate.

Shi'a Ismailis (Seveners) in Najran reportedly were charged with practicing magic; however, the Shi'a Ismailis maintained that their practice adheres to the Seveners' interpretation of Islam.

On September 17, the NGO Human Rights First Society (HRFS) reported that Ismailis in Najran paid allegiance to the king, but requested that the government provide equal employment opportunities for Ismailis and the release of the Najran prisoners. They also requested that those "exiled" from Najran after riots be allowed to return, and a university and a literary and cultural club be established in Najran to raise the level of education and awareness.

The government tolerated the celebration of the Shi'a holiday of Ashura and other minor Shi'a holidays in the eastern province city of Qatif. The police monitored the celebrations. No other public Ashura celebrations were allowed in the country, and many Shi'a traveled to Qatif or to Bahrain to participate in Ashura celebrations. The government continued to enforce other restrictions on the Shi'a community, such as banning Shi'a books. Shi'a were not allowed to teach religion to classes higher than the elementary grade level, and the government did not allow Shi'a to open private schools for girls.

There was discrimination in the availability of facilities for religious activities. The government issued permits to construct a few Shi'a mosques, such as a new and large mosque in Qatif, although the process was more cumbersome and took far longer for them than for Sunnis. The Shi'a have declined government offers to build state-supported mosques because the government would prohibit the incorporation and display of Shi'a motifs in any such mosques.

Significant numbers of Sufis in the Western Province engaged in technically illegal practices such as celebrating the Mawlid, or Prophet's birthday, without government interference.

The government prohibited public non-Islamic religious activities. Non-Muslim worshippers risked arrest, lashing, deportation, and abuse for engaging in overt religious activity that attracted official attention. Though private worship by non-Muslims was ostensibly allowed, the government did not provide explicit guidelines (such as the number of persons permitted to attend and acceptable locations) for determining what constitutes private worship. Such lack of clarity, as well as instances of arbitrary enforcement by the authorities, forced most non-Muslims to worship in a manner so as to avoid discovery by the government or others. Authorities deported those detained for non-Islamic worship, almost always after lengthy detention (see section 1.f.).

Christians were detained for practicing their religion. For example, the newspaper *Al-Jazeera* reported that 40 Pakistani citizens, including one Muslim, were arrested on April 12 after conducting Christian religious services in an apartment in Riyadh. However, during the year, there were fewer raids, arrests, and detentions of Christians throughout the country than in the past.

Unlike in previous years, there were no deportations of resident Christians for providing an Arabic Bible to a citizen. Also, unlike in previous years there were no reports of religious police arrests, beatings, and confiscations of property of Christians for religious reasons following a Christian's dispute with a citizen employer.

The government did not officially permit non-Muslim clergy to enter the country for the purpose of conducting religious services, although some came under other auspices. Such restrictions made it very difficult for most non-Muslims to maintain contact with clergymen and attend services. Catholics and Orthodox Christians, who require a priest on a regular basis to receive the sacraments required by their faith, were particularly affected.

Proselytizing by non-Muslims, including the distribution of non-Islamic religious materials such as Bibles, was illegal. Anyone publicly wearing any kind of religious symbols risked a confrontation with the religious police.

Under the Hanbali interpretation of Shari'a, judges may discount the testimony of persons who are not practicing Muslims or who do not adhere to "correct doctrine"(see section 1.e.). Islamic religious education was mandatory in public schools at all levels. All students received religious instruction, which generally was limited to that of the Hanbali school of Islam. In accordance with the religious establishment's interpretation of Shari'a, women were prohibited from marrying non-Muslims, but men were permitted to marry Christians and Jews, as well as Muslims (see section 1.f.).

The government required noncitizens to carry legal resident identity cards (*iqamas*), which contained a religious designation for "Muslim" or "non-Muslim." There were reports that individual members of the religious police pressured sponsors not to renew employment-based legal resident identity cards of individuals based on religious affiliation.

During the holiday season, the press reported that shopkeepers in Riyadh sold Christmas cards under the counter. During the year the religious police prohibited the sale of cards and flowers for exchange on Valentine's Day.

#### Societal Abuses and Discrimination

There were no public places of worship for non-Muslims in the country. While significant numbers of Christians reside in the country, there are very few Jews. There were no synagogues or churches in the country. While there have been no specific reports of physical violence against or harassment of Jewish persons, there were numerous reports of violence against and harassment of Christians, due to societal discrimination against foreigner workers coupled with religious discrimination. The majority of noncitizens in the kingdom were low-paid workers from developing countries (for example, the Philippines, India, and Ethiopia).

Although to a lesser extent than in the past, mosque preachers, whose salaries are paid by the government, frequently used strong anti-Israeli and anti-Semitic language in their sermons. There continued to be instances in which mosque speakers prayed for the death of Jews, including from the Grand Mosque in Mecca and the Prophet's Mosque in Medina.

Anti-Semitic editorial comment appeared in the print and electronic media. For example, references supporting the idea of "Jewish control over the world," and to the "Protocols of the Elders of Zion" appeared in the newspaper *Ar-Riyadh* on March 6. Cartoons typically used classic anti-Semitic imagery directed against the actions of Israel as a "Zionist" state, particularly in regard to treatment of Palestinians. Questions in the media were raised, at times whether modern Christians and Jews should be considered "people of the book" and thus due the respect required by the Koran. On December 16, according to an NGO, Shaykh Abdul al-Aziz Fawzan al-Fawzan, a professor of Islamic law at Al-Imam University, urged on Al-Majd television a nonracist, compassionate "hatred" toward infidels that would guide and reform them.

NGOs have reported on intolerance in the education system and, in particular that religious textbooks emphasized intolerance and hatred of all other religious traditions, especially Christianity and Judaism. Saudi officials claimed to have revised textbooks to remove content disparaging religions other than Islam. However, many recently published textbooks continued to contain language that was intolerant of Judaism, Christianity, and the Shi'a tradition in particular.

For a period of time in 2004, the Ministry of Tourism Web site contained a statement that Jews were banned from entering the country. However, no such ban was enforced in practice, and after this statement on the Web site was reported in the media, the government removed this language from the Web site and issued a statement denying that banning Jews was its policy.

On June 20, during a preparatory meeting for the December National Dialogue Forum in Abha in the Asir region, religious and intellectual leaders debated the relationships of Saudis with non-Saudis, and decided to replace in the country's religious and media pronouncements the word "infidel" with "other" when referring to non-Muslims or unbelievers.

King Abdullah, then the crown prince, began the National Dialogue initiative in 2003 in response to calls for real and practical reform in the kingdom. The December session was the culmination of 13 preparatory meetings held in the country between April and November where scholars and civil society members, both men and women, discussed political reform, religious tolerance, and the role of women and youth in the country. The title of the Forum was "We and the Other: A National Vision for Dealing with World Cultures." Over 700 male and female scholars and intellectuals representing civil society and the government attended the event, which sought to find ways to deal with other world cultures. The National Dialogue Center presented the recommendations the Forum generated to the king for his consideration.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Male citizens have the freedom to travel within the country and abroad; however, the government restricted these rights for women based on its interpretation of Islamic Law. All women in the country were prohibited from driving and were dependent upon men for transportation. Likewise, they must obtain written permission from a male relative or guardian before the authorities allow them to travel abroad (see section 5). The requirement to obtain permission from a male relative or guardian applied also to foreign women married to citizens or to the minor and single adult daughters of citizen fathers. Since 2001 women have been able to obtain their own identity cards; however, the government required that they obtain permission to receive a card from a male relative or guardian (see section 5). In March the press reported that by 2006 it would be compulsory for every citizen woman to have her own identification card with a photograph, terminating the current practice of women carrying family cards only listing their names. Citizen women who have valid passports can obtain identity cards without needing verification from a male guardian; however, if a woman does not have a passport, she needs a male guardian to verify her identity (see section 5). During the year, the government continued to issue national identity cards to women, despite a national campaign against the practice by some religious conservatives.

The restrictions on travel also applied to dual nationality children of citizen fathers. In cases where there were custody disputes between foreign citizen women and their citizen husbands, the husband was legally able to prevent the travel of the children out of the country. These restrictions on travel can continue even after female children reach adulthood, although the government has worked with foreign consular officials to overcome a father's or husband's refusal to permit the travel of adult foreign citizen female relatives. During the year, senior officials considered, on a case-by-case basis, allowing adult foreign citizen women to travel despite objections by their husbands, fathers, or other male relatives or guardians. However, government officials took long periods of time to make such decisions, and caused additional burdens and security

concerns to those individuals attempting to leave the kingdom.

Foreigners typically were allowed to reside or work in the country only under the sponsorship of a citizen or business. Media reports in October announced an easing of this restriction for businessmen.

The government required citizens and foreign residents to carry identification cards. It did not permit foreigners to change their workplace without their sponsor's permission.

During the year the government continued to provide citizenship under Article 9 of the law on naturalization to some of the thousands of native residents who live in the country without possessing citizenship of any nation.

Collectively known as "Bidoons" ("without" in Arabic), these are native-born residents who lack citizenship due to an ancestor's failure to obtain Saudi nationality, including descendents of nomadic tribes such as the Anaiza and Shammar, some of whose ancestors were not counted among the native tribes during the reign of the kingdom's founder, King Abdul al-Aziz; descendants of foreign-born fathers who emigrated to the country before citizenship was institutionalized; and rural migrants whose parents failed to register their births. Because of their lack of citizenship, they were denied employment and educational opportunities, and had a limited ability to travel. Bidoons are among the poorest residents of the country, and reside at the margins of society.

The Basic Law prohibits employers from retaining foreign workers' passports; however, in practice most sponsors reportedly often retained possession of foreign workers' passports. Foreign workers must obtain permission from their sponsors to travel abroad. If sponsors were involved in a commercial or labor dispute with foreign employees, they may ask the authorities to prohibit the employees from departing the country until the dispute is resolved. In some contract disputes, sponsors used this as a pressure tactic to resolve disputes in their favor by forcing employees to accept nominal amounts of the money owed to them or by having foreign employees deported (see sections 5 and 6.c.).

The government seized the passports of all potential suspects and witnesses in criminal cases and suspended the issuance of exit visas to them until the case was concluded. As a result, some foreign nationals were forced to remain in the country for lengthy periods against their will.

Citizens may emigrate. The government prohibited dual citizenship; however, children who hold other citizenship by virtue of birth abroad were permitted to leave the country using non-Saudi passports. In October the government passed a new citizenship law by which long-term residents and other foreigners could obtain citizenship

The government did not use forced exile; however, it previously revoked the citizenship of opponents of the government who reside outside the country (see section 3).

The government imposed travel bans on some of the reformers arrested in March 2004 (see sections 1.d. and 1.e.). The authorities sometimes confiscated the passports of suspected oppositionists and their families. In addition, the government has revoked the rights of some citizens to travel outside the country. In several cases, it has done so for political reasons without notifying the individual or providing opportunities to contest the restriction decision.

### Protection of Refugees

The Basic Law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol, but the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The Basic Law provides that "the state will grant political asylum, if so required by the public interest."

The UN High Commissioner for Refugees (UNHCR) Representative Office to the GCC countries reported that 364 Iraqi refugees still reside at the Rafha refugee camp situated a few miles from the Saudi-Iraqi border. The government has underwritten the entire cost of providing safe haven to the Iraqi refugees and continued to provide logistical and administrative support to the UNHCR. The UNHCR facilitated the spontaneous repatriation of 84 persons to Iraq from Rafha during the year and found no evidence of forcible repatriation. UNHCR has facilitated the spontaneous repatriation of more than eight thousand Iraqi refugees since 1991 (see section 1.c.). NGOs present in the camp included the Saudi Red Crescent and the

International Islamic Relief Organization.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Basic Law states that the government is established on the principal of *shura* or consultation, and requires the king and crown prince to hold open majlises. (A *majlis* is an open-door meeting held by the king, a prince, or an important national or local official where, in theory, any male citizen or foreign national may express an opinion or a grievance.) The Basic Law states that all individuals have the right to communicate with public authorities on any issue. This right to petition is interpreted by the government as a right to be exercised within traditional nonpublic means, i.e., not through the use of mass media. In practice, there were restrictions, as shown by the conviction of the three political reformers convicted of "sowing dissent and disobeying the ruler," for overtly advocating democratic reform (see sections 1.e and 2.a.).

#### Elections and Political Participation

Only a few members of the ruling family had a voice in the choice of leaders or in changing the political system. The government ruled on civil and religious matters within limitations established by the Basic Law, religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders. During the year for the first time since 1963, the government organized elections throughout the country for half of the seats on municipal advisory councils.

The king serves as prime minister and appoints his crown prince and who serves as deputy prime minister. The king also appoints all other ministers, who in turn appoint subordinate officials with cabinet concurrence.

Male, nonmilitary citizens 21 years of age or older voted in the nationwide elections for 592 seats on 178 municipal advisory councils (half of the total seats) in February, March, and April. Women were not permitted either to vote or to stand for office. Unofficial estimates are that between 10 percent and 15 percent of eligible voters actually voted. The king completed the formation of the councils on December 15 by appointing 592 men to fill the other half of the council seats.

The *Majlis al-Shura*, consists of 150 appointed male members and is divided into 11 committees. This consultative council reviewed and voted on legislation and often suggested amendments to the government. The government generally accepted amendments made by it. The *Majlis al-Shura* held hearings with some government officials to review the performance of their ministries and has the power to request documents from government ministries.

The Council of Senior Islamic Scholars is another advisory body to the king and the Cabinet (see section 1.e.). It reviews the government's public policies for compliance with Shari'a. The government viewed the council as an important source of religious legitimacy and took the council's opinions into account when promulgating legislation.

Communication between citizens and the government traditionally has been expressed through client-patron relationships and by affinity groups such as tribes, families, and professional hierarchies. During the year, King Abdullah held a variety of meetings with citizens throughout the country, including with women. Ministers and district governors can be approached for discussion at a majlis, which were held on a regular basis.

Since 2003, various oppressed groups, including women and Shi'a, have submitted petitions to then Crown Prince Abdullah calling for reform. The repercussions of the March 2004 arrest of the 12 political reformers (and the subsequent arrest of the lawyer for the three that stood trial) accused of signing a petition calling for the implementation of a constitutional monarchy among other things, and the long, drawn out appeal for a public trial, discouraged the submission of additional reform petitions.

The London-based extremist Committee for the Defense of Legitimate Rights (CDLR), established in 1993, and its splinter group, the Movement for Islamic Reform in Arabia (MIRA), established in 1996, continued to advocate overthrowing the monarchy by force. One of the founders of the CDLR, Abdullah al-Hamid, was among the 12 political reformers arrested in March 2004. They criticized the government, using the Internet and satellite radio stations. In December 2004 police arrested 21 persons for taking part in Jeddah in an antigovernment protest sponsored by MIRA, whose leader, Sa'ad al-Faqih, was a supporter of international terrorism. At year's end, the detainees were awaiting trial (see sections 1.d. and 2.b.)

Following a 2003 MIRA-sponsored demonstration in Riyadh, hundreds of citizens gathered October 23 in

Riyadh, Jeddah, Dammam, and Ha'il. The government arrested most of the demonstrators, detained many of them for a period of time without sentencing, then convicted them on charges of public demonstrating and sentenced most to sentences ranging from imprisonment to flogging. At year's end there were no reports that the sentences had been commuted (see sections 1.d. and 2.b.).

There was one female advisor to the *Majlis al-Shura*. Women also advised members of the *Majlis al-Shura* in private, closed-door sessions or through female members of the royal family. After two women were elected in December to the board of the Jeddah Chamber of Commerce, the government appointed two additional women to the board. In addition a woman was elected to the board of directors of the Saudi Engineers Council. There continued to be women's councils to advise local governors on issues concerning women (see section 5). There were no women or religious minorities in the Cabinet, and at least 4 of the 150-member *Majlis al-Shura* were Shi'a, from a Shi'a population estimated to be between 10 and 15 percent of the country's citizens.

#### Government Corruption and Transparency

There was a widespread public perception of corruption on the part of some members of the royal family and the executive branch of the government. The absence of transparency in government accounts and in decision making encouraged this perception. There are no laws providing for public access to government information. Information concerning specific instances, allegations regarding corruption, or government actions against corruption was not available to the public.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government viewed its interpretation of Islamic law as the only necessary guide to protect human rights. There was no system to register NGOs other than as charities.

The human rights NGO Human Rights First Society (HRF)—the Society for Protecting and Defending Human Rights in the Kingdom of Saudi Arabia--continued to operate without official government recognition. The local media on a number of occasions quoted the HRF president, Ibrahim Mugaiteeb, and reported on its operations. After having previously been deprived of his passport, by year's end, Mugaiteeb's passport was returned to him.

In March 2004 the king authorized the creation of and endowed the government-patronized National Society for Human Rights (NSHR), which characterized itself as a national nongovernmental organization with no affiliation to governmental institutions. In practice, the Society was not fully independent of the government. According to its chairman, who was himself a member of the government-appointed *Majlis al-Shura*, none of its members had ties to the executive branch of the government; they were consultants, professors, and retirees. Ten of its 41 members were women.

The NSHR has established offices in Jeddah, Dammam, Riyadh, and Jizan. By year's end, it claimed to have handled more than 5 thousand complaints, international as well as domestic, including "political injustices, administrative corruption, and reports by expatriate workers alleging abuse." A December 2004 press report noted that citizens' complaints against government bodies amounted to 25 percent of the cases, and foreign workers lodged 17 percent of the cases. The NSHR published weekly, monthly, quarterly, and annual reports in Arabic. The HRW criticized the NSHR for not supporting the political reformers --al-Doumani, al-Faleh and al-Hamed when they were in legal jeopardy.

The NSHR prefers to resolve cases by working with government agencies rather than bringing court cases. However, on May 18, in the first family case brought by the NHRS, the Jeddah General Court ruled in favor of two orphaned girls and their mother who had approached the NSHR seeking justice from the girls' half-brother and guardian. The girls had been living in a shelter for the poor because their brother denied them their share of their deceased father's pension and other assets (see sections 1.e. and 2.a).

On September 21, the press reported that the NSHR opened a new branch in Jizan, adjacent to the Yemeni border, following the opening of offices in the Eastern and Western Provinces. The press also reported that the NHRS suspended the membership of Ahmad al-Bahkaly because he was a government employee.

On September 12, the Council of Ministers, chaired by King Abdullah, approved the establishment of the Human Rights Commission (HRC). This specialized government organization has broad powers and reports

directly to the King. Headquartered in Riyadh, the HRC was designed to protect and enhance human rights as well as raise awareness and ensure the implementation of human rights in line with Shari'a rule. On October 3, the king appointed Dr. Turki bin Khaled al-Sudairi as chairman of the commission with ministerial rank.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, but not nationality, although racial discrimination occurred. There is legal and systemic discrimination based on gender. The government and private organizations cooperated in providing services for persons with disabilities; however, there is no legislation mandating public access. The Shi'a minority continued to suffer social, legal, economic, and political discrimination (see section 2.c.).

#### Women

Shari'a prohibits abuse and violence against all innocent persons, including women. Although the government did not keep statistics on spousal abuse or other forms of violence against women, such violence and abuse appeared to be common problems based on anecdotal and media information available regarding physical spousal abuse and violence against women. Hospital workers reported that many women were admitted for treatment of injuries that apparently resulted from spousal violence; hospitals now are required to report any suspicious injuries to authorities.

In August the HRFS advocated on behalf of a battered woman seeking shelter from an abusive husband, the first case of its kind to be addressed by any human rights organization. At year's end the status of the case was not known. In May the NSHR won a family case on behalf of two orphaned girls and their mother (see section 4).

Foreign embassies continued to receive many reports that employers abused foreign women working as domestic servants. Some embassies of countries with large domestic servant populations maintained safe houses to which their citizens may flee to escape work situations that included forced confinement, withholding of food, nonpayment of salaries, beating and other physical abuse, and rape. Often female citizens are accused of committing many of the reported abuses. During the year, the media reported more frequently on cases involving domestic abuse of women, servants, and children, and there were more reports about employers being punished for abuse of domestic servants.

However, in general, the government considered such cases to be family matters and did not intervene unless charges of abuse were brought to its attention. It was almost impossible for foreign women to obtain redress in the courts due to the courts' strict evidentiary rules and the women and servants' own fears of reprisals.

For example, Nour Miyati, an Indonesian maid, accused her employer and his wife of tying her up for a month in a bathroom, beating her severely, injuring her eyes and knocking out several teeth. Her significant physical injuries resulted in gangrene in her fingers, toes, and right foot. Her sponsor's wife was found culpable for beating her and sentenced to 35 lashes. Nour Miyati was sentenced to 79 lashes because she gave contradictory testimony. She had signed a statement (which she could not read) that contradicted her oral testimony, and her oral testimony was inconsistent. At year's end both sides were appealing the verdicts.

Prostitution is illegal. Some women, primarily noncitizens, engaged in prostitution. The extent of prostitution was not known (see section 5, Trafficking)

Law and custom discriminate against women. Although they have the right to own property and are entitled to financial support from their husbands or male relatives, women have few political or social rights and were not treated as equal members of society. There were no active women's rights groups. Women may not legally drive motor vehicles and were restricted in their use of public facilities when men were present. Women must enter city buses by separate rear entrances and sit in specially designated sections. Women risked arrest by the religious police for riding in a vehicle driven by a male who was not an employee or a close male relative. On July 24 the religious police issued a statement that they never have, and never will, employ women.

The law provides that women may not be admitted to a hospital for medical treatment without the consent of a male relative; however this was not generally enforced. By law and custom, women may not undertake

domestic or foreign travel alone (see section 2.d.).

In public, a woman was expected to wear an *abaya* (a black garment that covers the entire body) and also to cover her head and hair. The religious police generally expected Muslim women to cover their faces, and non-Muslim women from other countries in Asia and Africa to comply more fully with local customs of dress than non-Muslim Western women. During the year, religious police admonished and harassed women who failed to wear an *abaya* and hair cover.

Women also were subject to discrimination under Shari'a as interpreted in the country, which stipulates that daughters receive half the inheritance awarded to their brothers. While Shari'a provides women with a basis to own and dispose of property independently, women often were constrained from asserting such rights because of various legal and societal barriers, especially regarding employment and freedom of movement. In a Shari'a court, the testimony of one man equals that of two women (see section 1.e.). Although Islamic law permits as many as four wives, polygamy was becoming less common due to demographic and economic changes. Islamic law enjoins a man to treat each wife equally. In practice, such equality was left to the discretion of the husband. The government placed greater restrictions on women than on men regarding marriage to noncitizens and non-Muslims (see section 1.f.).

Women must demonstrate legally specified grounds for divorce, but men may divorce without giving cause. In doing so, men were required to pay immediately an amount of money agreed upon at the time of the marriage, which serves as a one-time alimony payment. Women who demonstrate legal grounds for divorce also were entitled to this alimony. If divorced or widowed, a Muslim woman normally may keep her children until they attain a specified age: seven years for boys and nine years for girls. Children over these ages were awarded to the divorced husband or the deceased husband's family. Numerous divorced foreign women continued to be prevented by their former husbands from visiting their children after divorce.

Women had access to free but segregated education through the university level. They constituted more than 58 percent of all university students but were excluded from studying such subjects as engineering, journalism, and architecture. Men may study overseas; the law provides that women may do so only if accompanied by a spouse or an immediate male relative. However, this restriction was not enforced in practice, and many women studied overseas without a guardian.

During the year there was increased attention in the press to women's issues, including questions such as gender discrimination, domestic abuse, health, rising divorce rates, employment, driving, and legal problems women face in the business world. On December 1, two women were elected to the board of Directors of the Jeddah Chamber of Commerce, the first elections in the country in which women were candidates.

Most employment opportunities for women were in education and health care. Despite limited educational opportunities in many professional fields, some female citizens were able to study abroad and returned to work in professions such as architecture, law, and journalism. Many foreign women worked as domestic servants and nurses.

Women who wished to enter nontraditional fields were subject to discrimination. Women may not accept jobs in rural areas if there are no adult male kin present with whom they may reside and who agree to take responsibility for them. Most workplaces in which women were present were segregated by gender. Frequently, contact with a male supervisor or client was allowed only by telephone or fax machine. However, the degree of segregation varied by region, with the central region having the most restrictions and the eastern and western regions being more relaxed. Despite gender segregation, the law provides women the right to obtain business licenses for work in fields that might require them to supervise foreign workers, interact with male clients, or deal on a regular basis with government officials.

While there is no law prohibiting women from obtaining licenses to open businesses their applications for licenses in most sectors are denied because most governing ministries do not have women's sections that can monitor the business. However, in hospital settings and in the energy industry, women and men worked together, and, in some instances, women supervised male employees. During the year the government allowed citizen female radio news broadcasters to work for the first time. A new labor law in September expanded the right of women to maternity leave and required that employers provide child care if they employed 50 or more female employees.

## Children

The government provided all children with free education and medical care. Children were segregated by

sex in schools, usually beginning at the age of seven; however, schools were integrated through the fourth grade in some areas.

Abuse of children was a problem, although it was difficult to gauge the prevalence of child abuse, since the government kept no national statistics on such cases. Although in general the culture greatly prizes children, studies by citizen female doctors indicated that severe abuse and neglect of children appeared to be more widespread than previously reported. At least two NGOs, one in Riyadh and one in Jeddah, run shelters for women and children. The press has also raised national consciousness about the problem.

In 2003, the MOI's center for crime prevention and research reported that 21 percent of male children suffered from some form of abuse. The report stated that 34 percent of the abused suffered from some sort of psychological abuse, and 25 percent suffered physical abuse. The figures excluded female children and accusations of sexual abuse, as the ministry stated that the issues were too sensitive for public discussion.

The Ministry of Education continued to teach children their rights under the UN Convention on the Rights of Children.

### Trafficking in Persons

The country does not have an antitrafficking law, although most forms of trafficking are criminalized under existing statutes. On September 27, the government gazetted a new labor law stipulating that within the next six months, the government is to issue implementing regulations regarding domestic workers. These regulations will apply to citizen and foreign domestic workers. Currently, domestic laborers are not protected under the country's labor law. The majority of cases involving trafficking were settled out of court by mediation and settlements.

The government has not taken sufficient measures to improve its performance on trafficking issues, although it did name an official in the Ministry of Foreign Affairs to assume responsibility for trafficking in persons.

Foreign laborers', including domestic workers', passports were often illegally retained by their employers and can sometimes result in forced labor. Foreign nationals who have been recruited abroad have, after their arrival in the country, been presented with work contracts that specified lower wages and fewer benefits than originally promised. A reportedly small number of noncitizen women were thought to engage in prostitution, comprising a minor element of the trafficking problem in the kingdom (see sections 5, Women, 6.c., and 6.e.).

### Persons with Disabilities

The law provides hiring quotas for persons with disabilities. There is no legislation that mandates public accessibility; however, newer commercial buildings often included such access, as did some newer government buildings. The provision of government social services increasingly has brought persons with disabilities into the public mainstream. The government and private charitable organizations cooperated in education, employment, and other services for persons with disabilities.

During the year the government took a variety of steps promoting more rights and elimination of discrimination against persons with disabilities. The government established an endowment committee for children with disabilities, and a supreme council to deal with the affairs of the disabled, with the crown prince as chairman. Foreign criminal rings reportedly imported children with disabilities for the purpose of forced begging (see sections 5, Trafficking in Persons, 6.c. and 6.f.). There were numerous government-sponsored centers for persons with disabilities, including organizations for children with Down's syndrome and autism.

Police generally transported persons with mental disabilities found wandering alone in public to their families or a hospital. Police asserted that, according to Islam, family members should be taking care of such individuals.

In September the press reported that the government was investigating allegations of abuse in which hundreds of naked mental patients at a Taif hospital were herded into a group shower where they were sprayed by a high-pressure stream from the water hose of a tanker truck. Such demeaning forced public nakedness was considered contrary to Shari'a.

### National/Racial/Ethnic Minorities

Although racial discrimination is illegal, there was substantial societal prejudice based on ethnic or national origin. Foreign workers from Africa and Asia were subject to various forms of formal and informal discrimination and had the most difficulty in obtaining justice for their grievances. For example, some bilateral agreements governed pay, benefits and work conditions. Consequently, pay scales for identical or similar labor or professional services were set by nationality such that two similarly qualified and experienced foreign nationals performing the same employment duties received varied compensation based on their nationalities.

#### Other Societal Abuses and Discrimination

Under Shari'a as interpreted in the kingdom, sexual activity between two people of the same gender is punishable by death or flogging. The law also prohibits men from behaving like women or wearing women's clothes and women from wearing men's clothes (see section 1.c.).

Although the media has been urged to discourage discrimination against AIDS patients and those infected with HIV, the press reported that the government failed to provide proper medical treatment to HIV positive noncitizens and treated them poorly until their deportation. The Ministry of Health has set up three HIV centers that provided diagnostic and preventive services

#### Section 6 Worker Rights

##### a. The Right of Association

The Basic Law does not address freedom of association. The government prohibited the establishment of labor unions; however, since 2001, the government has authorized the establishment of labor committees for citizens in local companies, including factories, having more than 100 employees; however, no practical steps have been taken to implement this decision.

##### b. The Right to Organize and Bargain Collectively

The Basic Law does not provide for collective bargaining. Collective bargaining remained prohibited. Foreign workers comprised approximately 88 percent of the work force in the private sector. During the year, the Indonesian government suspended recruitment of its nationals by Saudi firms for several months. Recruitment only recommenced after the signing of an agreement between the two governments that detailed minimum salary levels for domestic workers and other worker rights.

There are no export processing zones.

##### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, employers often retained possession of foreign laborers' passports and identity cards, giving them significant control over the movements of foreign employees. This practice sometimes resulted in forced labor, especially in remote areas where workers were unable to leave their places of work and cannot legally travel without an identity card. In addition some sponsors prevented foreign workers from obtaining exit visas to pressure them to sign a new work contract, or to drop claims against their employer for unpaid salary or benefits (see section 2.d.). Finally, some sponsors refused, for legitimate and nonlegitimate reasons, to provide foreign workers with a "letter of no objection" that would allow them to be employed by another sponsor for legitimate and nonlegitimate reasons.

There were many reports of workers whose employers refused to pay several months, or even years, of accumulated salary or other promised benefits. More foreign workers than in the past went to labor courts, which regularly ruled in favor of the workers. However, this was a long and difficult process and it was difficult to enforce judgments. Labor courts, while generally fair, sometimes took many months to reach a final appellate ruling, during which time the employer could prevent the foreign laborer from leaving the country. Often noncitizen workers engaged in a court case against their employers cannot legally work, placing an additional burden on them and compelling a negotiated settlement. Another tactic was for an employer to delay a case until a worker's funds were exhausted, and the worker was forced to withdraw his case in exchange for the employer allowing the worker to return to his/her home country.

The Ministry of Labor established the department for protection of foreign workers to address abuse and exploitation of foreign workers (such as sexual harassment, mistreatment and nonpayment of salaries). Workers may also submit complaints and seek help from the 37 labor ministry offices throughout the country.

In the first 6 months of the year, the labor minister had banned 52 companies from obtaining labor visas. Of these 43 were banned for trading in visas and others were banned for a variety of reasons, including delayed payment of more than 4 months of wages.

The law does not specifically prohibit forced or compulsory labor by children, and there were a few reports that it occurred (see section 6.d.).

#### d. Prohibition of Child Labor and Minimum Age for Employment

Child labor did not appear to be a problem, with the possible rare exceptions of forced child begging rings, and possibly family businesses. The government implemented a regulation requiring that all camel jockeys be at least 18 years of age, and there were indications that it was enforced.

Under a new labor law, no juvenile under the age of 15 can work in any vocational field unless he is the only family worker. There is no minimum age for workers employed in family-owned businesses or in other areas that are construed as extensions of the household, such as farming, herding, and domestic service.

Children under the age of 18 may not be employed in hazardous or harmful industries, such as mining, or industries employing power-operated machinery. While there is no formal government entity responsible for enforcing the minimum age for employment of children, the Ministry of Justice has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged violators. However, in general, children played a minimal role in the work force.

Child beggars were reportedly often noncitizens who had been trafficked into the country for that purpose or are Hajj or Umra overstayers. The Ministry of Social Affairs maintained special offices in both Mecca and Medina to combat the growing problem of child beggars.

#### e. Acceptable Conditions of Work

While there is no official minimum wage for citizen workers, the unofficial private sector minimum wage was \$320 (1,200 riyals) per month until October. However, once the king's 15 percent public sector wage increase took effect on October 4, the chambers of commerce announced a voluntary private sector wage increase to \$400 (1,500 riyals) per month. A defacto minimum wage has been set based on the minimum monthly contribution to the pension system which is now 1,500 riyals a month. For noncitizen workers, there was no official minimum wage. Where they exist, bilateral agreements set wages. Individual contracts also set wages which vary according to the type of work performed and the nationality of the worker (see section 5). Labor regulations establish a 48-hour workweek at regular pay and allow employers to require up to 12 additional hours of overtime at time-and-a-half pay. Labor law provides for a 24-hour rest period, normally on Fridays, although the employer may grant it on another day. The new labor law increased annual leave for citizen employees from 14 to 21 days and provided a minimum 6-week maternity leave for female citizen employees and new requirements to provide child care at places of employment. The average wage generally provided a decent standard of living for a citizen worker and family.

During the year, sources have produced varying estimates of the actual rate of citizen unemployment. The minister of labor stated the unemployment rate was only 5 percent (because very few citizens enrolled in a recent job placement program). The minister of finance claimed unemployment was 9.6 percent. In October in his first televised interview, the king claimed that only 100 thousand citizens were seeking jobs but could not find them. Some bankers believed the unemployment rate was 20 percent and a prominent royal and business leader recently stated the number was closer to 30 percent. None of these estimates included women, who were prohibited from working in the majority of business sectors and positions.

Approximately 80 percent of all working citizens worked directly for the government. If one adds the parastatals, like Saudia Airline and Saudi Aramco, the military, and the farmers who depend on subsidies nearly all citizens worked for the government in one way or another. However, the private sector was the reverse image. According to the government, citizen workers accounted for only 12 percent, less than 800 thousand of the approximately 6.76 million persons employed in the private sector; foreign nationals held the remaining 88 percent of the jobs (see section 6.b.).

The law prohibits employers from holding their employees' passports without the employee's consent; however, this law was not well known to foreign employees and, as a result, was frequently violated.

Labor regulations require employers to protect most workers from job-related hazards and disease. However, foreign nationals reported frequent failures to enforce health and safety standards. Farmers, herdsmen, domestic servants, and workers in family-operated businesses were not covered by these regulations. Workers risked losing employment if they removed themselves from hazardous work conditions.

Foreign nationals who have been recruited abroad have, after their arrival in the country, been presented with work contracts that specified lower wages and fewer benefits than originally promised. Other foreign workers have signed contracts in their home countries and later were pressured to sign less favorable contracts upon arrival. Some employees reported that, at the end of their contract service, their employers refused to grant permission to allow them to return home. Foreign employees involved in disputes with their employers may find their freedom of movement restricted (see sections 2.d and 6.a.). Recognizing this issue, the authorities have created a booklet on foreign workers' rights that reportedly will be distributed at the airports and foreign embassies in the country.

The labor laws, including those designed to limit working hours and regulate working conditions, did not apply to foreign domestic servants, who may not seek the protection of the labor courts. However, the bilateral labor agreements stipulate work conditions which provide for one day of rest per week. There were credible reports that female domestic servants sometimes were forced to work 16 to 20 hours per day, 7 days per week. There were numerous confirmed reports of maids fleeing employers and seeking refuge in their embassies or consulates (see section 5). Foreign embassies continued to receive reports of employers abusing domestic servants. Such abuse included withholding of food, beatings, and other physical abuse, and rape (see section 5).

The government has established welfare shelters to house female domestic servants who flee their place of work. The government offered arbitration between the worker and employer and investigated allegations of abuse. Allegations were either settled in court or through negotiation.

The ongoing campaign to remove illegal immigrants from the country has done little to reduce unemployment or to increase the number of jobs held by citizens. Illegal immigrants worked in positions which most citizens considered unworthy. The government carried out the campaign to remove the illegal aliens by widely publicizing its enforcement of existing laws against both the illegal aliens and the citizens employing or sponsoring them.

The effect of the expeditious repatriation of some illegal immigrants and the legalization of others has been to improve overall working conditions for legally employed foreigners. Illegal immigrants generally were willing to accept lower salaries and fewer benefits than legally employed immigrants. The departure or legalization of illegal workers reduced the competition for certain jobs and thereby reduced the incentive for legal immigrants to accept lower wages and fewer benefits as a means of competing with illegal immigrants. Furthermore, their departure or legalization removed a large portion of the class of workers most vulnerable to abuse and exploitation because of their illegal status.